

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MICHAEL A. OGLE,)
)
 Plaintiff,)
)
 v.) No.: 3:14-cv-326-TAV-CCS
)
 OFFICER ROD MYERS, et al.,)
)
 Defendants.)

MEMORANDUM

On December 11, 2014, Plaintiff was ordered to complete and return the service packets for three defendants within 20 days.¹ Plaintiff was forewarned that failure to return the completed service packets could jeopardize his prosecution of this action. Plaintiff has failed to return the service packets or otherwise respond to the Order of this Court. Therefore, this action will be **DISMISSED WITHOUT PREJUDICE**, *sua sponte*, for failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The Court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

¹Plaintiff is in federal custody awaiting sentencing by this Court. The Court's Order was originally mailed on November 11, 2014, to Plaintiff at the Blount County Detention Center. The mail was returned undelivered. The Order was remailed to Plaintiff at the Knox County Detention Facility on December 11, 2014. That mail has not been returned and presumably was received by Plaintiff.